

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 046402

71

ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-09 NSAE-00 RSC-01 FAA-00 L-03 IO-12 SS-14 NSC-10

/095 R

DRAFTED BY EB/ AN: MHSTYLES: DAP

3/13/73 EXT. 21232

APPROVED BY EB/ AN: MHSTYLES

EB/ AVP - MR. SILBERSTEIN

CA0 - MR. CHESEN

EUR/ NE - MR. NELSON

----- 045351

R 132319 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY BONN

LIMITED OFFICIAL USE STATE 046402

E. O. 11652: N/ A

TAGS: ETRN, GW, XT

SUBJECT: CIVAIR - US/ FRG CHARTER UNDERSTANDING

REF: BONN 3663

1. TEXT OF DRAFT US/ FRG CHARTER UNDERSTANDING BEING SENT SEPTEL. EMBASSY SHOULD SUBMIT THIS TEXT TO FMT ASAP, DRAWING ON FOLLOWING AS APPROPRIATE:

A. DRAFT IS IDENTICAL IN SUBSTANCE TO UNDERSTANDINGS INITIALED WITH UK, FRANCE AND NETHERLANDS AND, WE UNDERSTAND, ACCEPTED BY ECAC. TEXT IS BASICALLY THAT OF FRENCH UNDERSTANDING WITH SOME TECHNICAL IMPROVEMENTS TAKEN FROM UK UNDERSTANDING.

B. WHOLE PURPOSE OF CONCEPT THAT RULE OF COUNTRY OF ORIGIN BE FOLLOWED IS TO AVOID DIFFICULT AND PERHAPS IMPOSSIBLE TASK OF REDUCING DIFFERENCES BETWEEN ABC AND TGC RULE. REALISTICALLY, IN VIEW SHORT TIME FRAME, THERE WOULD BE NO ABC/ TGC CHARTERS THIS SUMMER IF ATTEMPT WERE MADE TO REDUCE DIFFERENCES. IN ANY EVENT, SINCE TGC RULE ESTABLISHED BY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 046402

CAB RULE- MAKING PROCEEDING, IT WOULD NOT BE POSSIBLE FOR CAB MAKE CHANGES IN TGC RULE FOR UPCOMING SEASON.

C. FMT REFERENCES TO LEGAL DIFFICULTIES IN ACCEPTING UNDERSTANDING ARE, WE SUSPECT, SMOKE SCREEN. OTHER COUNTRIES HAVE FOUND WAY AROUND ANY SUCH PROBLEM, AND WE EXPECT FRG COULD ALSO IF IT WANTED TO. WE ASSUME FMT APPRECIATES THAT, WITHOUT AN INTERGOVERNMENTAL UNDERSTANDING, CAB HAS

NO LEGAL BASIS ON WHICH TO ACCEPT CHARTERS UNDER A FOREIGN ABC RULE, WHICH DIFFERS ON FUNDAMENTAL LEGAL QUESTION OF PRO- RATING AS WELL AS IN OTHER WAYS.

D. FORM OF UNDERSTANDING IS NOT IMPORTANT, ALTHOUGH NORMALLY WE WOULD EXPECT IT TO BE CONFIRMED BY EXCHANGE DIPLOMATIC NOTES. IT MUST, HOWEVER, BE VIEWED AS COMMITTING THE RESPECTIVE PARTIES.

E. RE POSSIBLE FMT RESENTMENT OVER NOT BEING APPROACHED EARLIER, WE NOTE THAT NOT ONLY IT WAS PRIVY TO RECENT ECAC DISCUSSION THIS MATTER BUT ALSO WE ARE ALMOST CERTAIN WAS KEPT ADVISED BY BRITISH, FRENCH AND DUTCH COLLEAGUES OF DISCUSSIONS WITH USDEL IN FEBRUARY. WE FOUND, FOR INSTANCE, THAT BRITISH WERE AWARE OF TEXTS OUR DRAFTS NEGOTIATED WITH FRENCH, AND VICE VERSA, ALMOST AS SOON AS DRAFTS WERE COMPLETED. ROGERS

LIMITED OFFICIAL USE

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:**  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 MAR 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE046402  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MHSTYLES: DAP  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Film Number:** n/a  
**From:** SECSTATE WASHDC  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730331/aaaahxho.tel  
**Line Count:** 91  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 73 BONN 3663  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 13 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <13-Aug-2001 by shawdg>; APPROVED <29-Aug-2001 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> wfs 971210  
**Subject:** CIVAIR - US/ FRG CHARTER UNDERSTANDING  
**TAGS:** ETRN, GM  
**To:** BONN  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005